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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	10/732,824	BRONSON ET AL.				
Office Action Summary	Examiner	Art Unit				
	Aaron Sanders	2168				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be time 17 iii apply and will expire SIX (6) MONTHS from 18 cause the application to become ABANDONE	N. nely filed the mailing date of this communication. ED (35 U.S.C. § 133).				
Status						
•	1) Responsive to communication(s) filed on 10 December 2003.					
·—	·—					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	·					
4) ☐ Claim(s) 1-38 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-38 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or						
Application Papers						
9) The specification is objected to by the Examiner 10) The drawing(s) filed on 10 December 2003 is/an Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction 11) The oath or declaration is objected to by the Ex	re: a) \square accepted or b) \boxtimes object drawing(s) be held in abeyance. See on is required if the drawing(s) is object.	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Applicati ity documents have been receive (PCT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4)					
Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal P					

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method of claims 1-28 must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Rendering Advertisements Based on Ad Revenue and Negative Content.

The use of at least the trademarks FORD, CHEVROLET, GOOGLE, ADWORDS, ADSENSE, AMAZON, JAVASCRIPT, and INTEL have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

As per claim 12, it appears that the phrase "determines net revenue" is grammatically incorrect and should be written "determines if net revenue".

As per claim 13, the step of "determining" is unclear. It may be that the term "if" should not be in the limitation. Further, "an publisher" is incorrect. It should be "a publisher".

As per claim 20, it appears that the phrase "the request to a second entity" should be "the request to the second entity" since a second entity has been previously disclosed.

As per claim 25, the claim would make more sense written as "the first entity indicating to an external entity whether that the condition is not met to an external entity".

As per claims 32-34, it appears that the phrase "determining a threshold" should be written as "determining that a threshold".

As per claim 36, it appears that the phrase "whether not to render" should be written as "whether or not to render".

Claim Rejections - 35 USC § 112 Second Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1-38, terms such as "allowing" and "usable" render the claims indefinite because they merely recite a use without any active, positive steps delimiting how this use is actually practiced.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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Claims 1-35 are directed to methods and claims 36-38 to a system. The claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomena) since it fails to produce a tangible result.

Specifically, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulation of data. More specifically, while the practical utility set forth in the description relates to rendering advertisements, the claimed subject matter only provides for *allowing* a resource to render an ad. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

As per claims 36-35, the system does not require any hardware, making it software *per se*. As such, the instant claims are non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, 17-22, 25-32, 34, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumhyr et al., U.S. 2003/0131095.

As per claims 1-11, 17-22, 25-32, 34, and 36-38, Kumhyr et al. teach:

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1. A method for allowing a resource associated with a target document usable for ad rendering by a first entity to be used for rendering of content by a second entity, the method comprising (See e.g. [0001], "data processing systems for generating and supplying information and associated advertising to a client via a public-wide area network, such as the Internet"):

if a condition is met, the first entity using the resource to render at least one ad (See e.g. Fig. 3 where, see [0025], "Thus, in step 306, it is determined if an advertisement associated with such display restrictions is identified in the page. If so, in step 308, a censor subprocess, discussed hereinbelow in conjunction with FIGS. 4 and 5 is launched" and [0030], "Otherwise, the ad displays, step 415"); and

if the condition is not met, the first entity allowing the second entity to use at least a portion of the resource to render content (See e.g. Fig. 4 where, see [0030], "If such a semantic context is identified, step 414, an exception subprocess is launched (step 420)" and [0034], "In step 424, the subprocess returns. If the ad insertion has been approved, then the ad displays, step 414").

- 2. The method of claim 1, wherein the first entity includes a content ad system (See e.g. Fig. 3 where, see [0023], "Monitoring process 300 may be used to monitor web pages for content deemed inappropriate by the sponsor of advertising to be inserted in the web page").
- 3. The method of claim 2, wherein the second entity includes a publisher with which the target document is associated (See e.g. [0025], "Conversely, a particular advertiser concerned about the placement of its advertising in a web page including content it considers inappropriate, may subject its advertisements to display restrictions").
 - 4. The method of claim 3, further comprising:

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a publisher requesting rendering of the ad by the first entity (See e.g. [0023], "Monitoring process 300 may be used to monitor web pages for content deemed inappropriate by the sponsor of advertising to be inserted in the web page as discussed hereinabove"); and

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in response to the request, the first entity determining whether the condition is met (See e.g. Fig. 3 where, see [0025], "Thus, in step 306, it is determined if an advertisement associated with such display restrictions is identified in the page").

- 5. The method of claim 4, wherein the condition depends on whether the first entity determines the target document can be crawled, and if not, determining that the condition is not met (See e.g. [0005], "A computer user may "browse", i.e., navigate around, the WWW by utilizing a suitable web browser, e.g., NetscapeJ, Internet ExplorerJ, and a network gateway, e.g., Internet Service Provider (ISP). A web browser allows the user to specify or search for a web page on the WWW and subsequently retrieve and display web pages on the user's computer screen").
- 6. The method of claim 4, wherein the condition depends on whether the target document is available for analysis by the first entity to determine if a relevant ad is available for rendering, and if not, determining that the condition is not met (See e.g. Fig. 3 where, see [0024], "In step 304, a data stream is watched as the web page is generated").
- 7. The method of claim 4, wherein the condition depends on whether the target document contains negative subject matter, and if so, determining that the condition is not met (See e.g. Fig. 4 where, see [0027], "In step 402, process 400 enters a scanning loop formed by steps 402-410 in which the datastream content is parsed for instances of key items in the web page content.

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For example, key items may include sexuality explicit content, or content associated with certain specific material, such as, negative news reports").

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- 8. The method of claim 7, wherein negative subject matter includes at least one of tragic events, pornography, alcohol promotion, tobacco promotion, gun promotion and gambling promotion (See e.g. Fig. 4 where, see [0027], "In step 402, process 400 enters a scanning loop formed by steps 402-410 in which the datastream content is parsed for instances of key items in the web page content. For example, key items may include sexuality explicit content, or content associated with certain specific material, such as, negative news reports").
- 9. The method of claim 4, wherein the condition depends on whether the first entity determines if a threshold number of sufficiently relevant ads are available to render in association with the target document, and if not, determining that the condition is not met (See e.g. Fig. 4 where, see [0029], "On completion of the scan, step 410, in step 412 it is determined if a match condition is exceeded. In other words, if a match of count of key items exceeds a predetermined threshold condition").
- 10. The method of claim 9, wherein the threshold number of sufficiently relevant ads depends on a degree of topical correlation between a plurality of ads available to the first entity and subject matter of the target document (See e.g. Fig. 4 where, see [0029], "On completion of the scan, step 410, in step 412 it is determined if a match condition is exceeded").
- 11. The method of claim 4, wherein the condition depends on whether the first entity determines if a threshold number of ads are available to render in association with the target document, and if not, determining that the condition is not met (See e.g. [0025], "A Web page may be have multiple insertions of advertising... a particular advertiser concerned about the

placement of its advertising in a web page including content it considers inappropriate, may subject its advertisements to display restrictions").

17. The method of claim 1, wherein the first entity includes a first ad system and the second entity includes a second ad system (See e.g. Fig. 3 where, see [0023], "Monitoring process 300 may be used to monitor web pages for content deemed inappropriate by the sponsor of advertising to be inserted in the web page" and [0025], "Conversely, a particular advertiser concerned about the placement of its advertising in a web page including content it considers inappropriate, may subject its advertisements to display restrictions").

18. The method of claim 17, wherein the first ad system is a content ad system (See e.g. Fig. 3 where, see [0023], "Monitoring process 300 may be used to monitor web pages for content deemed inappropriate by the sponsor of advertising to be inserted in the web page").

- 19. The method of claim 17, wherein the content includes a set of one or more ads (See e.g. [0025], "A Web page may be have multiple insertions of advertising").
 - 20. The method of claim 1, further comprising:

the first entity receiving an ad rendering request associated with the target document, wherein the target document is requested by a client system and the ad rendering request includes an identifier of the second entity (See e.g. Fig. 3 where, see [0023], "Monitoring process 300 may be used to monitor web pages for content deemed inappropriate by the sponsor of advertising to be inserted in the web page as discussed hereinabove");

based on a set of one or more criteria, the first entity determining to redirect the request to a second entity (See e.g. Fig. 4 where, see [0030], "If such a semantic context is identified, step 414, an exception subprocess is launched (step 420)"); and

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the first entity setting a location field in an outgoing hypertext protocol header with the identifier, causing the target document to be output to the client system with the content rendered by the second entity (See e.g. Fig. 4 where, see [0034], "In step 424, the subprocess returns. If the ad insertion has been approved, then the ad displays, step 414").

- 21. The method of claim 20, wherein the identifier includes an alternative content URL (See e.g. [0024], "Additionally digital images incorporated in the page, either referenced or down loaded, may be watched via the data segment of the digital image recorded in a header, using a data segment reader").
- 22. The method of claim 20, further comprising using remote scripting to process the ad rendering request (See e.g. [0017], "Clients 102 may include a Web browser 108 for requesting Web documents, which may also be referred to as Web pages, from server 106 and rendering the requested Web pages as previously described").
- 25. The method of claim 1, further comprising the first entity indicating whether the condition is not met to an external entity (See e.g. Fig. 4 where, see [0030], "If such a semantic context is identified, step 414, an exception subprocess is launched (step 420)").
- 26. The method of claim 25, further comprising the first entity identifying the condition to the external entity (See e.g. Fig. 6 where, see [0035], "The permission request may be sent to the sponsor via any available communication means... The request may include, for example, the number of key items matched, and a list of the key items that were matched in the page").
- 27. The method of claim 26, wherein the external entity is the second entity (See e.g. [0035], "In step 602, a display permission request is sent to the advertisers sponsor, or advertiser (these terms may be used equivalently herein)").

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28. The method of claim 26, wherein the external entity includes a publisher (See e.g. [0035], "In step 602, a display permission request is sent to the advertisers sponsor, or advertiser (these terms may be used equivalently herein)").

29. In an ad system, a method for handling ad rendering requests comprising (See e.g. [0001], "data processing systems for generating and supplying information and associated advertising to a client via a public-wide area network, such as the Internet"):

receiving a request to render at least one ad in conjunction with a target document (See e.g. Fig. 3 where, see [0024], "In step 304, a data stream is watched as the web page is generated" and [0025], "A Web page may be have multiple insertions of advertising");

determining, based on a set of one or more conditions, whether to render the at least one ad, and if not (See e.g. Fig. 3 where, see [0025], "Thus, in step 306, it is determined if an advertisement associated with such display restrictions is identified in the page. If so, in step 308, a censor subprocess, discussed hereinbelow in conjunction with FIGS. 4 and 5 is launched"):

redirecting the request to an alternative entity (See e.g. Fig. 4 where, see [0030], "If such a semantic context is identified, step 414, an exception subprocess is launched (step 420)").

- 30. The method of claim 29, wherein the request identifies the alternative entity (See e.g. Fig. 3 where, see [0023], "Monitoring process 300 may be used to monitor web pages for content deemed inappropriate by the sponsor of advertising to be inserted in the web page as discussed hereinabove").
- 31. The method of claim 29, wherein redirecting the request includes an identifier to identify the request if redirected from the alternative entity back to the ad system (See e.g.

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[0035], "In step 604, if the web page is requested, in step 606 the page is transmitted to the sponsor").

- 32. The method of claim 29, wherein redirecting the request is based on determining a threshold number of relevant ads are not available for rendering in conjunction with the target document (See e.g. Fig. 4 where, see [0029], "On completion of the scan, step 410, in step 412 it is determined if a match condition is exceeded. In other words, if a match of count of key items exceeds a predetermined threshold condition").
- 34. The method of claim 29, wherein redirecting the request is based on determining a threshold ad performance level will not be met if the one or more ads are rendered by the ad system (See e.g. [0027], "For example, key items may include sexuality explicit content, or content associated with certain specific material, such as, negative news reports with references with goods or services of the same kind or category as the advertiser's goods or services, or content with respect to particular individuals with whom a negative connotation may be associated").

36. A system comprising:

a first means for rendering an ad via a resource of a target document (See e.g. Fig. 3 where, see [0024], "In step 304, a data stream is watched as the web page is generated" and [0025], "A Web page may be have multiple insertions of advertising");

a second means for determining, based on a set of one or more criteria, whether not to render the ad via the resource of the target document and allow an alternative means to render content via the resource of the target document (See e.g. Fig. 3 where, see [0025], "Thus, in step 306, it is determined if an advertisement associated with such display restrictions is identified in

the page. If so, in step 308, a censor subprocess, discussed hereinbelow in conjunction with FIGS. 4 and 5 is launched" and [0030], "If such a semantic context is identified, step 414, an exception subprocess is launched (step 420)").

- 37. The system of claim 36, wherein the resource includes a display area on the target document (See e.g. [0025], "A Web page may be have multiple insertions of advertising").
- 38. The system of claim 36, wherein the set of criteria includes an expected performance for rendering the ad via the resource of the target document (See e.g. [0027], "For example, key items may include sexuality explicit content, or content associated with certain specific material, such as, negative news reports with references with goods or services of the same kind or category as the advertiser's goods or services, or content with respect to particular individuals with whom a negative connotation may be associated").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12-16, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumhyr et al., U.S. 2003/0131095, in view of Roy et al., U.S. 2003/0220918.

As per claims 12-16, 33, and 35, Kumhyr et al. do not teach making decisions based on revenue generated from ads. However, Roy et al. do, see the claims listed below. Thus, it would have been obvious to one of ordinary skill in the webpage advertising art at the time of the

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invention to combine the teachings of the cited references because Roy's et al. teachings would have allowed Kumhyr's et al. method and system to gain greater revenue from advertisers, see Roy et al. [0003].

- 12. The method of claim 4, wherein the condition depends on whether the first entity determines net revenue for rendering the ad will be positive, and if not, determining that the condition is not met (See e.g. Roy et al. [0019], "When an advertiser wants to buy clicks, the search engine provider comes up with a cost-per-click that depends on how often he expects users to click on the advertiser's listing, and how much total advertising he expects to sell").
- 13. The method of claim 12, wherein the first entity determining whether net revenue for rendering the ad will be positive comprises:

determining if a payment to be paid to an publisher for rendering the ad (See e.g. Roy et al. [0020], "In this equation is the search engine provider's estimate for the total amount A of advertising he expects to sell for the T searches, and... his estimate of the advertiser's click-through rate"); and

estimating gross revenue derived from an advertiser for rendering the ad in association with the target document (See e.g. Roy et al. [0020], "In this equation is the search engine provider's estimate for the total amount A of advertising he expects to sell for the T searches, and... his estimate of the advertiser's click-through rate").

14. The method of claim 13, wherein the payment depends on a number of impressions of the ad using the resource of the target document (See e.g. Roy et al. [0012], "An impression is the display of a search listing among search results presented to a searcher. If the amount of

money that advertiser i is willing to spend is a_i , then the number of impressions he receives is [equation]").

- 15. The method of claim 13, wherein the gross revenue depends on a number of impressions of the ad using the resource of the target document (See e.g. Roy et al. [0012], "If the amount of money that advertiser i is willing to spend is a_i , then the number of impressions he receives is [equation]").
- 16. The method of claim 13, wherein the gross revenue depends on an estimated clickthrough amount for the ad if rendered using the resource of the target document (See e.g. Roy et al. [0019], "In the preferred embodiment an advertiser pays for clicks or clickthroughs, not impressions").
- 33. The method of claim 29, wherein redirecting the request is based on determining a threshold amount of monetary gain will not be met if the one or more ads are rendered by the ad system (See e.g. Roy et al. [0020], "In this equation is the search engine provider's estimate for the total amount A of advertising he expects to sell for the T searches, and... his estimate of the advertiser's click-through rate").
- 35. The method of claim 34, wherein the threshold ad performance level depends at least in part on an expected clickthrough rate of the one or more ads if rendered by the ad system (See e.g. Roy et al. [0019], "In the preferred embodiment an advertiser pays for clicks or clickthroughs, not impressions").

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumhyr et al., U.S. 2003/0131095, in view of Gardner et al., U.S. 6,959,424.

As per claims 23 and 24, Kumhyr et al. do not teach using JAVASCRIPT IFRAMES. However, Gardner et al. do, see the claims listed below. Thus, it would have been obvious to one of ordinary skill in the webpage advertising art at the time of the invention to combine the teachings of the cited references because Gardner's et al. teachings would have allowed Kumhyr's et al. method and system to gain the ability to display secondary images, such as advertising banners, within their own frame in a primary webpage, see Gardner et al. col. 1, lines 47-63.

- 23. The method of claim 21, wherein the remote scripting includes a Javascript iframe (See e.g. Gardner et al. col. 14, lines 6-20, "As previously described, this permits the banner and the associated images to communicate with each other within a Javascript iframe environment").
- 24. The method of claim 23, wherein the iframe is named to identify the ad rendering request to the first entity (See e.g. Gardner et al. col. 9, lines 7-15, "Each banner advertisement and, separately, each of its associated pop-up images has its own unique identification").

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure: Leonard, U.S. 2002/0120629; Struble, U.S. 2003/0004796; Barry et al., U.S. 2004/0019523; and Mitchell, U.S. 6,701,350.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Aaron Sanders whose telephone number is 571-270-1016. The Examiner can normally be reached on M-Th 8:00a-5:00p.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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